

RESOLUTION #06-803

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT REQUESTING APPROVAL OF THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR THE JOSHUA BASIN WATER DISTRICT TO PROVIDE A NEW SERVICE TO ACQUIRE, CONSTRUCT, AND OPERATE FACILITIES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE AND WASTE WATER WITHIN THE JOSHUA BASIN WATER DISTRICT

WHEREAS, there is no governmental agency designated to acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage and waste water within the Joshua Basin Water District area of service; and

WHEREAS, the Joshua Basin Water District is authorized under the state Water Code Section 31100 to provide this service; and

WHEREAS, the Joshua Basin Water District Board of Directors has publicly considered providing this service at several public meetings; and

WHEREAS, home owner associations will de facto be responsible for delivering this service absent the authority of any governmental agency to do so; and

WHEREAS: Section 9 of LAFCO Rules and Regulations pursuant to Government Code Section 56700 authorizes LAFCO to approve such provision of service by Joshua Basin Water District;

NOW THEREFORE BE IT RESOLVED THAT: The Joshua Basin Water District Board of Directors does hereby direct its General Manager to submit this Application for Provision of New or Different Function or Services; and

BE IT FURTHER RESOLVED THAT in compliance with "Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts", Government Code Section 56700, Government Code Section 56824.12 and other applicable law the Joshua Basin Water District does submit the proposed "Plan for Service", attached hereto; and

BE IT FURTHER RESOLVED THAT the Joshua Basin Water District does hereby submit the legal description and map of the territory which is subject of the proposal attached hereto as required by Section 9 of the Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts; and

BE IT FURTHER RESOLVED THAT the Joshua Basin Water District does hereby submit the following as required by Section 9 of the Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts:

(a) Nature of the proposal and the reasons therefore, including, but not be limited to: general plan, growth rate, topography, and economic feasibility:

The Colorado Regional Water Quality Control Board (Regional Board) has implemented procedures that result in the installation of "package sewer treatment plants" by new residential and commercial development in the Morongo Basin, including the Community of Joshua Tree within the Joshua Basin Water District. The Joshua Basin Water District (JBWD) seeks to provide a new service to plan for the operation of sewage facilities, and to acquire, construct, and operate facilities for the collection, treatment and disposal of sewage and waste water.

There are currently no sewers, sewer treatment facilities, or sewer services anywhere within the JBWD. All existing development is served either by septic systems, cesspools, or out-houses. Studies by JBWD show that it takes an average of 22.5 years for septage from leach systems and three to four years for septage from seepage pits to reach the groundwater. Tests by the United States Geological Survey confirm that ground water is beginning show traces of nitrates intruding into the aquifer. The JBWD, with authority over the groundwater basin, took action urging the Regional Board to limit development densities to two units per acre in order to protect the groundwater quality from contamination by new development. The Regional Board responded by requiring new development projects to demonstrate that they would not adversely affect the groundwater, or to provide sewer treatment systems that would keep sewer discharge water within certain limits for nitrates, biochemical oxygen demand, and total suspended solids.

In addition to standards of the Regional Board, the State of California is considering imposing stricter requirements on new septic systems that replace older, failed systems. In the future, the District may assume the responsibility for inspecting existing or failed systems to comply with state requirements.

Several new development projects are proposing to install small local sewer treatment plants, referred to as "package plants" that are flexible and designed to treat amounts of sewage generated by their specific projects. These plants will need to be monitored and maintained in order to assure the quality of effluent discharged into seepage pits.

Joshua Basin Water District (JBWD) believes that some governmental agency must be responsible for the ownership, operation, maintenance, and regulation of these facilities for the following reasons:

- Residential development within the JBWD will be dispersed over the 100 square miles of the District resulting in a number of package plants, each operated and managed by a Homeowners Association (HOA), Community Facilities District

(CFD) or some other mechanism. Eventually, it will be cost effective to have a central collection and sewer treatment system. It is expected that with one agency overseeing the package plants, they could be designed to drain into a future regional collection and treatment system. They may also be “over-designed” to collect from future in-fill homes that otherwise would discharge into an inferior septic system. In the future the JBWD may install a collection system and centralized sewer treatment plant if it is cost-effective.

- Package plants will be constructed on residential lots as small as 10,000 square feet and will be surrounded by homes. Malfunction of the units could result in odors and overflow of sewage in a residential neighborhood. Therefore, a single agency with oversight on the operations would be the preferred mechanism for management.
- Absent the ownership and operation by a governmental agency the package plants will be owned and operated by homeowner associations with almost no oversight. An example of this is a recent package plant installed at a restaurant in an adjoining water district. The plant was not maintained. Grease from the grease trap overflowed into the package plant causing failure for several months.
- The package plants will utilize seepage pits with septage reaching the groundwater in two to four years. This makes it imperative that the sewage be properly treated to maintain a high quality of groundwater.

General Plan: The residential developments served by the package plants will be constructed whether the JBWD owns and operates the plants or whether they are owned and operated by homeowner associations and therefore should have no effect on the General Plan. Ownership by JBWD may facilitate future connections to the plants by nearby in-fill homes to address the intent of the Morongo Basin/Joshua Tree Sub Regional Plan.

Growth Rate: During the history of the District the number of water connections has doubled approximately every decade with the exception of the building recession from approximately 1992 until 2002. In 2004 the growth rate was 3.5%, in 2005 it was 5%, and in 2006 it is anticipated to be 5%. We anticipate annual future growth ranging from 2% to 5%. Much of it will be “in-fill” or development on large parcels of 2.5 acres to 5 acres in size. Some large tracts may result in periodic surges of growth. The draft San Bernardino Joshua Tree Community Plan anticipates a lower growth rate of 1.8% per year.

Topography: The area to the south of the main highway slopes generally downward towards the highway, with the exception of the area south of Alta Loma Drive. This area is bounded on the north by the hills that run east to west along Alta Loma Drive.

The topography of the area to the north of the main highway slopes downward in an easterly or a northeasterly direction. The profile of the main highway indicates a general slope downhill from the west end to the east end of the District.

Topography governs the selection of a potential future area that can be sewerred by a gravity sewer system. A large portion of commercial, industrial, institutional, and higher-density residential parcels could feasibly drain to a centralized wastewater treatment facility sited at the lowest point in the northeastern area of the district.

Economic Feasibility: The cost of owning, operating, and maintaining the system will be borne by the residents who will be charged through monthly billing. The monthly operational cost and long term capital replacement costs are expected to be the same whether the facilities are operated by the JBWD or by a homeowners association. Attached to this document is a "feasibility study" showing the direct costs to be about \$60 to \$70 per month per residence for the smallest package plant. Larger plants should have slightly lower costs per unit due to economies of scale. There will be additional costs for depreciation and administrative costs (billing, etc.). (See "*Joshua Basin Package Wastewater Treatment Plant Feasibility Report*" prepared by Dudek & Associates Engineers, attached as Exhibit 1.)

(b) **Plan for Service as required by Government Code Section 56824.12:**
(Attached as Exhibit 2).

(c) **Legal Description and Map:**
(Attached as Exhibit 3).

(d) **Names and addresses of other agencies or service providers affected by this change:**

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, California 92260

County of San Bernardino Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Mojave Water Agency
22450 Headquarters
Apple Valley, California 92307-001

Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311

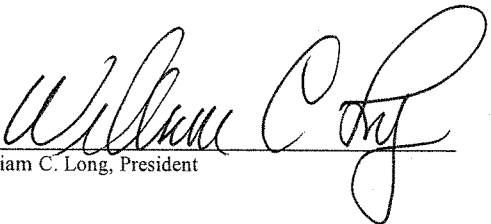
- (e) **The names and addresses of the officers or persons, not to exceed three, who are to be given mailed notice of the hearing:**

Joe Guzzetta, General Manager
61750 Chollita Road
PO Box 675
Joshua Tree, California 92252

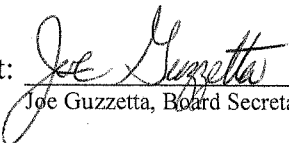
PASSED, APPROVED AND ADOPTED by the Board of Directors of the Joshua Basin Water District this 6th day of September, 2006.

JOSHUA BASIN WATER DISTRICT

By:


William C. Long, President

Attest:


Joe Guzzetta, Board Secretary